

ASSEMBLY BILL

No. 2520

Introduced by Assembly Member Maienschein

February 21, 2014

An act to amend Section 2978 of the Penal Code, relating to parole.

LEGISLATIVE COUNSEL'S DIGEST

AB 2520, as introduced, Maienschein. Parole: independent evaluators.

Existing law requires, as a condition of parole, that a prisoner who has a severe mental disorder, as defined, be treated by the State Department of State Hospitals, and requires the State Department of State Hospitals to provide the necessary treatment. Existing law authorizes a prisoner to request a hearing before the Board of Parole Hearings for the purpose of proving that the prisoner is subject to that parole condition. Existing law also authorizes a prisoner to request that the board appoint 2 independent professionals for that hearing.

If it is determined that the prisoner is subject to the parole condition described above, existing law requires, prior to release on parole, that the person in charge of treating the prisoner and a practicing psychiatrist or psychologist from the State Department of State Hospitals evaluate the prisoner at a facility of the Department of Corrections and Rehabilitation. Existing law requires the Board of Parole Hearings to appoint 2 independent professionals to conduct an additional review in certain circumstances.

Existing law imposes various requirements on the selection of the independent professionals described above, including, among other things, that they not be state government employees.

This bill would additionally require those independent professionals to consult with a prisoner's primary therapist, psychiatrist, or

psychologist, as defined and if any, before making a recommendation concerning that prisoner to the board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2978 of the Penal Code is amended to
2 read:

3 2978. (a) Any independent professionals appointed by the
4 Board of Parole Hearings for purposes of this article shall not be
5 state government employees; shall have at least five years of
6 experience in the diagnosis and treatment of mental disorders; and
7 shall include psychiatrists, and licensed psychologists who have
8 a doctoral degree in psychology.

9 (b) *An independent professional appointed by the Board of*
10 *Parole Hearings for purposes of this article shall consult with a*
11 *prisoner's primary therapist, psychiatrist, or psychologist, if any,*
12 *before making a recommendation concerning that prisoner to the*
13 *board. For purposes of this subdivision, "primary therapist,*
14 *psychiatrist, or psychologist" means the person who is in charge*
15 *of treating the prisoner pursuant to this article.*

16 ~~(b)~~
17 (c) On July 1 of each year the Department of Corrections and
18 Rehabilitation and the State Department of State Hospitals shall
19 submit to the Board of Parole Hearings a list of 20 or more
20 independent professionals on which both departments concur. The
21 professionals shall not be state government employees and shall
22 have at least five years of experience in the diagnosis and treatment
23 of mental disorders and shall include psychiatrists and licensed
24 psychologists who have a doctoral degree in psychology. For
25 purposes of this article, when the Board of Parole Hearings receives
26 the list, it shall only appoint independent professionals from the
27 list. The list shall not be binding on the Board of Parole Hearings
28 until it has received the list, and shall not be binding after June 30
29 following receipt of the list.